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TRIBUTE

PROFESSOR ANDREW W. HAINES— A PERSONAL REMINISCENCE

DOUGLAS R. HEIDENREICH†

How does one write a tribute to a colleague and close friend? I suppose that we all find, when a friend dies unexpectedly, that we haven't said the things we should have said or done the things we should have done. I feel that way about Andrew Haines. We laughed together, talked about a thousand things, commiserated with each other, and encouraged each other. Yet so much remained unsaid when the unbelievable—the impossible—word of his death came to me, as these things always do, harshly, brutally, without warning.

I first met Andrew Haines about twenty years ago when he worked as a young associate for a large, old-line St. Paul law firm. I was the dean of the college then and I hired pretty much everybody who was hired, whether they joined the cleaning crew or the permanent faculty. I don't remember how Andrew came to my attention, but when I learned that he was interested in teaching, I snapped him up. I hired him to be a part-time teacher of Corporations, as we called the course then.

I hired Andrew because he was a prime teaching prospect. He graduated from what everybody acknowledged to be one of the very top law schools in the country, the University of Michigan. Upon graduation, he worked in his home town of New Orleans as a "Reggie"—a Reginald Heber Smith fellow—in a legal services program. He then returned to the Twin Cities, where earlier he had attended the University of Minnesota as an undergraduate, to serve as a staff legal services lawyer. Before joining our faculty, he practiced commercial law at the St. Paul law firm of Doherty, Rumble & Butler.

After he had been with us a year or so, I asked him to join

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our full-time faculty. Although the relationship between him and the law school was not always a happy one, he was with us until his shocking death in a scuba diving accident in the summer of 1991.¹ During those approximately seventeen years, he taught, at various times, courses in Corporations (later called Business Organizations), Securities Regulation, Professional Responsibility, Employment Law, and Discrimination and the Law.

Andrew loved to teach, but he was tough in the classroom. The University of Michigan was his model of what a law school should be, and the professors that he met there were his models for the way law professors should teach. He could be sarcastic and, to some, overbearing. Sometimes white, Midwestern students, who accept with a shrug the quirks or gibes of a white professor, do not take kindly to harsh criticism from a black professor. Some students fled his classes because his grading was honest. Some students thought him hard to follow whenever he lectured or questioned students by quoting the classics, a blues singer, or an opera. Yet he always "pulled things together" before a course was over. His friend and former student, Ron McGinnis, called him a "teacher's teacher."²

Saint Matthew tells us that "a prophet is not without honor except in his own country and in his own house."³ Perhaps this was true of Andrew Haines. Andrew's teaching seems to have been best appreciated by his colleagues in other parts of the country. In 1989, the American Association of Law Schools' Section on Minority Groups named Professor Haines its outstanding member, citing particularly his skill as a classroom teacher. The chairperson of the section, Professor Eulis Simien, Jr., noting Andrew's impact on minority faculty members throughout the country, called him "a mentor in the true sense of the word" and noted that Andrew was always willing "to share his experiences, both good and bad, with others who were seeking to make their way into and through legal academia."⁴

1. See Kate McCarthy, *Mitchell Prof Haines Dies Scuba Diving*, ST. PAUL PIONEER PRESS, June 24, 1991, at A6.

2. Ronald McGinnis, Remarks at Memorial Service for Andrew W. Haines (June 27, 1991).

3. *Matthew* 13:57.

4. Eulis Simien, Jr., *Message From the Chair*, NEWSLETTER (Ass'n of American Law

As his professional career developed, Andrew became more and more concerned with the problems facing a law teacher who happened to be a person of color. His thinking on this subject is perhaps best reflected in his article, *Minority Law Professors and the Myth of Sisyphus: Consciousness and Praxis Within the Special Teaching Challenge in American Law Schools*.⁵ This article, dense in style and rich in imagery, was described as “the first comprehensive analysis of the role and special struggle of minority law professors in predominantly White law schools.”⁶

The article examines the relationships of the minority law professor to students (both minority and non-minority), faculty (both minority and non-minority) and administration. It recognizes “the harsh reality of the modern law school classroom that minority law professors encounter”⁷ and the never-ending battle with racism. Furthermore, in discussing the multiple roles that those professors play, Professor Haines observed, “Students often expect to find a trouble-shooter, mediator, advocate, counselor, parent, and friend, all while minority law professors gather their thoughts for the onslaught of an especially slippery topic in their specialties.”⁸ This article, like much of Andrew’s writing, is thick with allusion and metaphor but, like Professor Llewellyn’s *Bramble Bush*⁹ of a half-century earlier, jumping into it twice is justified.

Andrew’s scholarly efforts were not, however, limited to discussions of the problems of minority law professors. He wrote

Schools, Section on Minority Groups, Washington, D.C.), undated (on file with the *William Mitchell Law Review*).

5. 10 NAT’L BLACK L.J. 247 (1988).

6. Dwight Aarons, *Preface*, 10 NAT’L BLACK L.J. vii, vii (third issue, 1988).

7. *Id.* at 266.

8. *Id.* at 281.

9. This modern masterpiece was first published for law students at Columbia University in 1930. It has been reprinted many times since. *E.g.*, KARL N. LLEWELLYN, *THE BRAMBLE BUSH: ON OUR LAW AND ITS STUDY*, (Oceana Publications 1960). The title comes from the ancient nursery rhyme printed at the beginning of the book:

There was a man in our town
and he was wondrous wise:
he jumped into a BRAMBLE BUSH
and scratched out both his eyes—
and when he saw that he was blind,
with all his might and main
he jumped into another one
and scratched them in again.

Id. at iii.

book reviews,¹⁰ articles on equal employment¹¹ and a commentary on the Critical Legal Studies Movement.¹² He was a scholar of truly broad tastes and catholic interests who could combine thinking from all ages and cultures in order to put a unique emphasis on the problems of modern society. His book review of Stone's *Where the Law Ends—The Social Control of Corporate Behavior*,¹³ for example, drew heavily on Melville's fascinating story, *Bartleby the Scrivener*, and the scholarly commentary on that sometimes perplexing work.

Andrew and I shared ideas on many topics: techniques for teaching Professional Responsibility, the "good old days" of University of Minnesota football (Andrew had, in his undergraduate days, been a stellar halfback), opera (of which he knew much more than I), corporate governance, gossip about other lawyers, and a hundred other things. Indeed, conversations with Andrew rarely were limited to one subject. While in his writing, his mind sometimes outraced his pen, in conversation, he slid swiftly from one subject to another. His interlocutor, thinking back on a conversation, might analogize it to a spider's web, composed of gossamer strands, some nearly invisible, yet all hanging together and forming a coherent whole.

Andrew was a gadget person. I gently teased him whenever he acquired the "latest," such as call-waiting or a VCR. Yet he always seemed to have the last laugh (and he *did* laugh) when I grudgingly decided that a telephone-answering machine wasn't such a bad idea after all, or when he sat at my desk and, with a few strokes, solved a computer problem that had baffled me for hours.

In addition to his many friends and acquaintances, Andrew is survived by his spouse Judy; their two children, Bjorn and Kali, both college students; his father; and his sister. Each of them has a set of special memories. My memories include his

10. See, e.g., Andrew W. Haines, *Christopher C. Stone, Where the Law Ends—The Social Control of Corporate Behavior*, 10 N.C. CENT. L.J. 59 (1978) (book review).

11. See, e.g., Andrew W. Haines, *Equal Employment Opportunity for Women in Minnesota: The Prohibition Against Sexual Harassment*, 8 WM. MITCHELL L. REV. 755 (1982); Andrew W. Haines, *E.E. Black, Ltd. v. Marshall: A Penetrating Interpretation of "Handicapped Individual" for Sections 503 and 504 of the Rehabilitation Act of 1973 and For Various State Equal Employment Opportunities Statutes*, 16 LOY. L.A. L. REV. 527 (1983).

12. Andrew W. Haines, *The Critical Legal Studies Movement and Racism: Useful Analytics and Guides for Social Action or an Irrelevant Modern Legal Skepticism and Solipsism*, 13 WM. MITCHELL L. REV. 685 (1987).

13. See *supra* note 10.

bow ties, his taste for champagne, and his voice on the phone. Always ready to impart a bit of news or gossip, he would say, "I gotta make you laugh," or, betraying his New Orleans roots, "Here's a lagniappe¹⁴ for you." Even when distressed or sad, before the conversation was over, Andrew always found something to laugh about.

His sense of humor was legendary, his laugh infectious. Indeed, he used that puckish sense of humor—always gently, never with bitterness—to puncture the pomposity or expose the intellectual fraud that he sometimes found around him. Some of his contemporaries no doubt were baffled and distressed by this sense of humor, just as some of them were made uncomfortable by his occasional flashes of anger at examples of injustice or unfairness.

This effort to write a few personal notes about my dead friend is best summed up in the words of A.E. Housman, writing in a preface to the works of a dead scholar:

This record will not preserve, perhaps none could preserve, more than an indistinct and lifeless image of the friend who is lost to us: good, kind, bright, unselfish, and as honest as the day; versatile without shallowness, accomplished without ostentation, a treasury of hidden knowledge which only accident brought to light, but which accident brought to light perpetually, and which astonished us so often that astonishment lost its nature and we would have wondered more if wonders had failed. Yet, what most eludes description is not the excellence of his gifts but the singularity of his essential being, his utter unlikeness to any other creature in the world.¹⁵

Andrew is gone. We shall not see his like again.

14. "A present given to a customer with a purchase; a gratuity." WEBSTER'S NEW WORLD DICTIONARY 338 (2d ed. 1983).

15. A.E. Housman, *Preface to ARTHUR PLATT, NINE ESSAYS* (1927), reprinted in A.E. HOUSMAN, *SELECTED PROSE* 154-60 (John Carter ed., 1961).

